

# PATENT COOPERATION TREATY

From the:  
INTERNATIONAL SEARCHING AUTHORITY

To:  
  
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## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **18 FEB 2005**

**FOR FURTHER ACTION**  
See paragraph 2 below

Applicant's or agent's file reference  
**ROG001**

International application No.  
**PCT/NZ2004/000243**

International filing date (day/month/year)  
**6 October 2004**

Priority date (day/month/year)  
**6 October 2003**

International Patent Classification (IPC) or both national classification and IPC.

**Int. Cl. <sup>7</sup> G06F 17/30**

Applicant

**EFFECTIVE MANAGEMENT SYSTEMS LIMITED et al**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**10/574019**

PCT/NZ2004/000243

**Box No. I      Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
  
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
  
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
  
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/NZ2004/000243**

**Box No. V**      **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims 8-11	YES
	Claims 1-7, 12-21	NO
Inventive step (IS)	Claims	YES
	Claims 1-21	NO
Industrial applicability (IA)	Claims 1-21	YES
	Claims	NO

**2. Citations and explanations:**

- D1: WO 1998/025198 A2 (STREAMIX CORPORATION), 11 June 1998
- D2: WO 2000/055748 A1 (WEBTV NETWORKS, INC.), 21 September 2000\
- D3: US 2002/0052925 A1 (KIM et al), 2 May 2002
- D4: WO 2000/030003 A1 (NOVAWEB TECHNOLOGIES, INC.), 25 May 2000
- D5: US 2001/00044846 A1 (COHN et al), 22 November 2001
- D6: US 2002/0026349 A1 (REILLY et al), 28 February 2002
- D7: US 2003/0050834 A1 (CAPLAN), 13 March 2003
- D8: WO 2001/053941 A2 (THE DELFIN PROJECT, INC.), 26 July 2001
- D9: US 5,572,643 A (JUDSON), 5 November 1996
- D10: US 2003/0084124 A1 (SU et al), 1 May 2003
- D11: *RDF Site Summary (RSS) 1.0* specification
- D12: *RSS 2.0* specification

**NOVELTY (N) and INVENTIVE STEP (IS) claims 1-21**

Claims 1-7 and 12-21: These claims lack novelty or do not involve an inventive step in comparison to any of documents D1-D10. Each of the citations discloses all the features of independent claim 1, at least. The additional features added by the dependent claims, when not disclosed in any one of D1-D10, are not seen to confer inventive step to the claims over that citation. These features, related to user preferences, the manner of presentation of the data display, and other details of implementation, are considered to be commonplace elements.

Claims 8-11: These claims lack inventive step in light of any of D1-D8. In combination with either D11 or D12, each of these documents discloses all the features of the claims. It is obvious to make these combinations of documents, since RSS is currently the de facto mechanism for distributing data updates of the sort described in each citation.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/NZ2004/000243**

**Box No. VIII    Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claims 6 and 12 are unclear, because there is no "preliminary step i." previously defined in the claims.

Claim 7 is unclear, because there is no antecedent for any "frame."